

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RUBEN GUZMAN,

Plaintiff

V.

BRIAN WARD, et. al.,

Defendants

Case No.: 3:19-cv-00104-RCJ-WGC

Order

Defendants have filed a supplement to their motion for summary judgment updating the court on the status of Plaintiff's right-eye cataract surgery pursuant to the court's April 22, 2021 order. (See ECF Nos. 40, 42, 43.)

Defendants filed a declaration of Dr. Naughton, recognizing that Plaintiff had received approval and a recommendation to receive right-eye cataract surgery on December 14, 2019, and a consultation was sent for an ophthalmologist, as well as for knee replacement, and a general surgeon for a possible sphincterotomy. Dr. Naughton states that Plaintiff has not yet received his right-eye cataract surgery because he has been receiving treatment for other medical issues, and because of COVID-19 there were delays due to limits on non-emergent procedures, there were limits on staffing at NDOC for transportation as well as a backlog of appointments.

Dr. Naughton says that Plaintiff has an appointment scheduled this month with an ophthalmologist to address the need for cataract surgery. (ECF No. 43-1 at 4.)

It is unclear why Plaintiff needs another consultation with an ophthalmologist if he already had a consultation and the right-eye cataract surgery was recommended and authorized

1 in December of 2019; however, by **May 28, 2021**, Defendants shall file a further supplement
2 updating the court as to the status of Plaintiff's right-eye cataract surgery.

3 **IT IS SO ORDERED.**

4 Dated: May 10, 2021

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6 William G. Cobb
7 United States Magistrate Judge

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